IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5368 OF 1999

Suratilal Yadav .. Petitioner

versus

The Principal,Baladin Hindi Vidyalaya
Kulagaon, Badlapur & ors ...Respondents

Mr.Mandar Limaye i/b Mr.R.S.Apte for Petitioner

Ms.S.S.Bhende, Assistant Government Pleader
for Respondent nos. 3,4 and 5.

CORAM : S.B.MHASE AND
D.G.KARNIK, JJ

DATED : 8th February, 2006

P.C.

1. Heard.

2. By this petition, the petitioner challenges the order dated 30th September, 1999 passed by the respondent no. 3. Learned counsel for the petitioner and the Assistant Government Pleader for the respondent nos. 3, 4 and 5 fairly states that facts in this petition are similar to the facts in Writ Petition No.5161 of 1999 which we have decided just now. Both of them state that the impugned order in the present case was also

passed without granting hearing to the petitioner.

In the circumstances, we pass the following order:

> " The petition is allowed and the impugned order is quashed and set aside. The respondent no.3 however, shall be entitled to pass an order fixing the pay scale of the petitioner in the event it is of the opinion that the petitioner is entitled to a pay scale lower than the contractual pay scale. However, such an order shall be passed after notice to the petitioner and after granting him an opportunity of being heard. Rule is made absolute to the extent indicated above. No costs.

(D.G. KARNIK, J) **(S.B.MHASE, J)**